

**REMARKS**

**Status of Claims:**

Claims 1-45 are present for examination.

**Specification:**

The specification has been amended to correct some minor informalities.

**Obviousness Rejections:**

Claims 1-6, 8-11, 14-21, 23-26, 29-36, 38-41, and 44-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zabetian (U.S. Patent Number 6,327,656) and further in view of Smith et al. (U.S. Patent Number 5,790,790)(hereinafter Smith).

Claims 7, 22, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Zabetian and Smith and further in view of RFC 1521 ("MIME (Multipurpose Internet Mail Extensions): Mechanisms for Specifying and Describing the Format of Internet Message Bodies").

Claims 12, 27, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zabetian and Smith and further in view of LaMarca et al. (U.S. Patent Number 6,279,013)(hereinafter LaMarca).

Claims 13, 28, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zabetian and Smith and further in view of Rivette et al. (U.S. Patent Number 5,623,679)(hereinafter Rivette).

With respect to claims 1-45, the rejections are respectfully traversed.

Independent claim 1 recites:

"A document publication system which records each document data that is inputted as an object of publication, publishes the document data by use of a public medium while recording publication time of the document data, and issues a certificate concerning the publication time of document data to a

requester according to a publication time verification request by the requester designating the document data.”

A document publication system including the above-quoted features has the advantage that document data is published by use of a public medium and the publication time of the document data is recorded. As an example of the publication time, see column 3 of applicant’s FIG. 2. A certificate concerning the publication time of document data could then be sent to a requester according to a publication time verification request. Such a document publication system would allow an inventor of an idea to publish the idea quickly and at low cost so as to secure the right to effectuate the idea as a vocation. Also, the system provides an easy and reliable way of verifying a publication time of document data. (Specification; page 18, lines 27-30; page 19, lines 1-11).

Neither Zabetian nor Smith, alone or in combination, disclose or suggest the document publication system including the above-quoted features where document data is published by use of a public medium, the publication time of the document data is recorded, and the publication time can later be verified upon request.

The Examiner states that “Zabetian does not teach that the documents it processes are published.” The Examiner then points to Smith as disclosing a system to deliver electronic documents to one or more recipients and states that, “it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention disclosed by Zabetian to publish copies of a document to be certified to one or more recipients in addition to the original user, if the user so chose.”

However, there is no motivation in Zabetian to combine the system in Zabetian with the system of Smith, because Zabetian is not worried about proof of publication time, but rather about proof of certification time. (Zabetian; abstract; column 2, lines 12-15). In fact, the examples provided in Zabetian demonstrate that the system in Zabetian was predicated on the idea that the documents to be certified would not be published. Zabetian provides the following examples of types of documents to be certified by the certification system: (1) documents pertaining to the conception of a patentable invention; (2) a story line for a movie

that is to be discussed with film companies; and (3) an employment harassment complaint. (Zabetian; column 1, lines 29-38).

Each of the above examples provided in Zabetian include types of documents that are normally kept secret rather than being published. Indeed, Zabetian states the following:

“There are various application for electronic document certification. A non-exhaustive list of suggestions follows. A scientist draws up a draft of a patent. **Before showing this patent to any potential investors**, she can submit an electronic document including her work for certification. She is then provided with an identification code (possibly including a copy of the document and time and date information). If this scientist ever wished to prove when she had created her artwork, she can use the identification code and a copy of the document to authenticate the document and to prove when she had possession. A screenwriter has an idea regarding a new motion picture. He is **uneasy about approaching motion picture companies with the idea before protecting himself**. Therefore he will send an electronic mail enclosing his screenplay for certification. Similarly, a harassed employee can submit a written account of an event by electronic mail for certification; a musician recording a score on a computer can submit the document for certification.” (Zabetian; column 14, lines 35-52) (Emphasis Added).

As is evident from the above statement, Zabetian was not concerned with publishing the ideas of an invention, but rather keeping the ideas secret while providing a certification time for the conception of the ideas. This is similar to the practice of inventors mailing a certified letter containing their written ideas to themselves in order to provide a mail date for later proof of date of conception while keeping the contents of the letter secret. Similarly, a writer that is attempting to sell a story line to a movie company usually does not want to publish the story line for everyone to read, but rather to keep the story line secret while also obtaining a certification of the date and time that the story line was in existence. Finally, parties with employment harassment complaints usually do not want the complaints to be published, but only to be sent to the appropriate party.

Thus, there is no motivation in Zabetian to modify the system to publish a document and to provide a publication time rather than a certification time. Indeed, as seen from the examples in Zabetian, the system in Zabetian is designed to provide a certification time for documents while keeping the contents of the documents secret or to send the documents only

to an appropriate party. Furthermore, Zabetian teaches away from publication by providing examples where documents are given a certified date and time before being shown to anyone. (Zabetian; column 14, lines 35-52).

Therefore, independent claim 1 is neither disclosed nor suggested by the cited prior art and, hence, is believed to be allowable.

Independent claim 2 recites a document publication system similar to the document publication system of claim 1 and, thus, is believed to be allowable for at least the same reasons that claim 1 is believed to be allowable.

Independent claim 16 recites a document publication method similar to an operation of the document publication system of claim 1 and, thus, is believed to be allowable for at least the same reasons that claim 1 is believed to be allowable.

Independent claim 17 recites a document publication method similar to an operation of the document publication system of claim 1 and, thus, is believed to be allowable for at least the same reasons that claim 1 is believed to be allowable.

Independent claim 31 recites a computer-readable record medium storing a program for instructing a computer to execute a document publication process similar to an operation of the document publication system of claim 1 and, thus, is believed to be allowable for at least the same reasons that claim 1 is believed to be allowable.

Independent claim 32 recites a computer-readable record medium storing a program for instructing a computer to execute a document publication process similar to an operation of the document publication system of claim 1 and, thus, is believed to be allowable for at least the same reasons that claim 1 is believed to be allowable.

The dependent claims are deemed allowable for at least the same reasons indicated above with regard to the independent claims from which they depend.

**Conclusion:**

The application is now considered to be in condition for allowance and an early indication of same is earnestly solicited.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date

1-12-05

By

David A. Blumenthal

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5407  
Facsimile: (202) 672-5399

David A. Blumenthal  
Attorney for Applicant  
Registration No. 26,257